

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ADELINO VIEIRA and MONICA)
MEDEIROS, on behalf of themselves and) C.A. No. 08-11331-DPW
all others similarly situated,)
)
)
Plaintiffs,)
)
vs.) **ASSENTED TO MOTION FOR**
) **EXTENSION OF TIME FOR**
) **DEFENDANT TO RESPOND TO**
FIRST AMERICAN TITLE) **PLAINTIFFS' AMENDED COMPLAINT**
INSURANCE COMPANY)
)
Defendant.)

Pursuant to Local Rule 7.1(A) and (B), Defendant, First American Title Insurance Company (“First American”), hereby moves for an extension of time of seven (7) days to file its responsive pleading to Plaintiffs’ Amended Complaint filed on September 22, 2008, up to and including October 20, 2008. The reasons for this motion are as follows:

1. On August 4, 2008, Plaintiffs filed a three-count complaint in this action against First American alleging that they had been overcharged for a policy of title insurance insuring their lender purchased when they refinanced their mortgage in March 2006.

2. First American agreed to waive service pursuant to Fed. R. Civ. P. 4(d) and accepted service of the Complaint on August 14, 2008, making its responsive pleading due on October 14, 2008.

3. On September 22, 2008, Plaintiffs filed a four-count amended complaint against First American, adding a claim under M.G. L. § 93A and additional supporting allegations.

4. In part because of the new issues raised in the Amended Complaint, First American believes that additional time is necessary to adequately prepare its responsive pleading.

5. Counsel for Plaintiffs have assented to this motion.

6. The requested enlargement of time will not prejudice any party, nor require any substantial delay in this action.

WHEREFORE, the parties respectfully request that this Court extend the time in which Defendant has to responsively plead to Plaintiffs' Amended Complaint until October 20, 2008.

Dated: October 9, 2008

Respectfully submitted,

/s/ James M. Weiss

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LOCAL RULE 7.1(A)(2) CERTIFICATE AND CERTIFICATE OF SERVICE

I certify pursuant to Local Rule 7.1(A)(2) that the moving party has conferred in good faith with opposing counsel on the matter set forth herein and that opposing counsel has granted its assent to this motion.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 9, 2008.

/s/ James M. Weiss